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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: **08/ 921,060**Group Art Unit: **1644**Confirmation No.: **9119**Examiner: **R.B. Schwadron**Filed: **29 August 1997**Applicant: **Darrell R. ANDERSON et al.**For: **Therapeutic Application of Chimeric and Radiolabeled Antibodies to Human B Lymphocyte Restricted Differentiation Antigen for Treatment of B Cell Lymphoma**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JAN 05 2009

OFFICE OF PETITIONS**SUBMISSION UNDER 37 C.F.R. § 1.28(c)**

Sir:

During the pendency of this application, applicant claimed status as a small entity under § 1.27. On information and belief following reasonable inquiry of the assignee, the undersigned states that such status was established, and fees to the Office were paid, in good faith.

On review of this file and related application files, it has been discovered that small entity status in this application may have been established or maintained in error. To moot any question as to the date from which large entity fees should have been paid, applicant has determined that it is prudent to tender payment of the deficiency as specified in § 1.28(c)(2) with respect to all fees paid during the pendency of this application. Accordingly, in compliance with the requirements of § 1.28, applicant now submits payment of the deficiency owed and requests that the Office excuse the error.

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SUBMISSION UNDER § 1.28(c)

Our check for the total deficiency of \$ 2,800 accompanies this paper. As required under § 1.28(c)(2)(ii), an itemization of the deficiency with respect to each fee that was paid is attached. If the Office determines that the calculation of the deficiency is in error, or if any other fee is required for entry, consideration, or acceptance of this paper, applicant requests that the Director debit the appropriate fee(s) from our **Deposit Account No. 18-1260**.

Respectfully submitted,

/David L. Fitzgerald/

David L. Fitzgerald, Reg. No. 47,347
Attorney for Biogen Idec Inc.

22 December 2008

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ITEMIZATION UNDER § 1.28(c)(2)(ii)

DATE	DESCRIPTION OF FEE	FEES PAID	FEES CODE ¹	CURRENT FEE ²	DEFICIENCY
97-08-29	Filing fee	\$ 770	1001	\$ 850	(³) \$ 80
98-01-07	EOT 1 mo.	55	1251	130	75
98-01-07	Surcharge missing parts	65	1051	130	65
94-04-26	EOT 3 mos.	435	1253	1110	675
99-12-20	EOT 2 mos.	380	1252	490	(³) 110
00-01-20	Notice of appeal	300	1401	540	(³) 240
00-01-20	EOT 3rd mo.	490	1253	620	(³) 130
00-08-09	EOT 5 mos.	925	1255	2350	1425
				TOTAL	\$ 2800

¹ Current large entity fee code.

² Current large entity fee (FY 2009 fee schedule, as revised 17 December 2008).

³ Apparently paid at higher than the effective small-entity rate.